

the other things that they have used it for. These came out of health care monies. These were Medicaid monies that were spent by the States, it was the crux of the lawsuit, so these monies should go back into health care.

I am proud to say that my State of New Mexico has put this in a trust fund and is going to analyze this, and I think is going to head in the right direction.

But the point I wanted to make here in the State attorneys general filing these lawsuits is that we always wondered, when we would talk about bringing our lawsuits, and when we would visit on the telephone and in conferences about the cases, why the Federal Government was never bringing a lawsuit. The crux of our claims were basically Federal claims. They were Federal monies. They were State and Federal monies mixed in, and many of them were 50/50 matches. Why did the Federal Government never join us?

Eventually the Federal Government did, under President Clinton. They realized that we had made enormous progress. They realized that the settlement that had come about was in the interest of the public, so they filed a lawsuit. I think they also realized that \$240 billion was left on the table, something in that range that they could have gotten. So they joined in and they said, well, let us file a lawsuit, and they did file that lawsuit. That is what we are here to talk about today is where are we on that lawsuit, what is happening with it in this new administration.

Attorney General John Ashcroft, a very controversial nominee over there in the Senate, did a number of things on tobacco before he got into. One of the things he did was lead the fight in the Senate against the tobacco settlement, and he was very proud of the fact that he led the fight against Senator McCain, who at the Federal level tried to pass a bill and deal with the whole issue at the Federal level.

At one press conference, Attorney General Ashcroft was saying "It would be a big-government travesty at its biggest to use the tragedy of tobacco as a smokescreen to cover the expansion of the Nanny State." In other cases, Senator Ashcroft at the time said things like this was a frivolous lawsuit. He was the only one on the Senate Committee on Commerce that voted against reporting the tobacco settlement bill that was sponsored by Senator McCain.

So, basically, we have an individual that is in the Attorney General's office. He is the lead negotiator on this case. He is somebody that can make the decision one way or another as to how this case is handled, what the strategy is to pursue in court, and whether and on what terms it should be settled. That is really the issue that is before us this evening.

We have been joined this evening by the gentleman from Colorado (Mr. UDALL). I know that he has an interest

also in tobacco and these public health problems that are out there. I yield to the gentleman from Colorado (Mr. UDALL) to see if he is interested in talking a little bit about this current lawsuit and this current situation, and reflect on his views.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentleman from the State of New Mexico, for yielding to me and providing me some time to talk about this very important issue tonight. I also wanted to applaud his efforts as attorney general of the State of New Mexico, and now as Member of the U.S. House of Representatives.

As I was listening to the gentleman, I was thinking about all of the viewers tonight who have children, and particularly daughters. I have an 11-year-old daughter, a soon to be 11-year-old daughter. She is a very important part of my life.

When I looked at the statistics that the gentleman has shared with us in general, and then broke them down into the statistics that apply to women and girls, I thought it was very striking. I want to share a few of those with the Members tonight, and then talk a little bit about the lawsuit situation, as well. It is stunning to think of some of these statistics and what they really mean.

Smoking prevalence is higher among women with 9 to 11 years of education than women with 13 to 15 years of education, and three times higher than women with 16 or more years of education. Smoking among girls and women has increased dramatically in the 1990s. From 1991 to 1999, smoking among high school girls increased from 27 percent to 34 percent.

A report published in the American Journal of Public Health shows that girls have an easier time buying cigarettes than boys, even at the youngest ages.

Now come the tragic statistics. In 1997, nearly 165,000 women died of smoking-related diseases. Since the Surgeon General's Report on Women and Smoking was released in 1980, about 3 million women in the U.S. have died prematurely. Three million women have died prematurely of smoking-related diseases.

As with men, smoking is related to heart disease and lung cancer, but women smokers also face increased risks of cervical cancer and osteoporosis. In the 1980s, lung cancer overtook breast cancer as the leading cause of cancer death in women. Since 1950, lung cancer mortality rates for women have increased 600 percent.

Cigarette smoking doubles the risk of coronary heart disease, and accounts for more than 80 percent of lung cancers in women. Women also have a more difficult time when they want to quit smoking. They have lower cessation rates, and girls and women aged 12 to 24 are much more likely to report being able to cut down on smoking than men and boys of those same ages.

Females are significantly more likely than boys to report feeling dependent on cigarettes, and are more likely to report feeling sad, blue, or depressed during attempts to quit smoking.

I would remind the viewers that cigarette companies first began targeting women in the 1920s. Up to that point, smoking among women was not particularly socially acceptable, but they were savvy. They equated smoking with freedom and emancipation.

Women continue to be a target of the cigarette companies. Cigarette advertising and promotions use themes of empowerment and sophistication. The cigarette companies, and I think my colleague, the gentleman from New Mexico, touched on this, but they spent more than \$8 billion in advertising and promotion in 1999, a 22 percent increase over the \$6.7 billion spent in 1998. This is the largest increase in dollar terms since the Federal Trade Commission began tracking industry sales in advertising in 1970.

Clearly, this points out that we have a real public health challenge, and that it is one that we cannot turn our backs on. The gentleman from New Mexico talked a little bit about the history of the lawsuits brought by the States that was then taken up by the Federal Government.

I, too, want to express my concern that Attorney General Ashcroft, given his past skepticism about the tobacco settlement bill, and indeed, his work to stop the tobacco settlement bill, is now heading up these efforts at the Federal level. I, too, want to lend my voice to the calls for the Attorney General to establish a neutral and independent review board to provide oversight of any proposed settlement.

I think such a review board could be composed of a bipartisan slate of attorneys general from the States who could act as neutral arbitrators. I would hope that the Attorney General would recuse himself, at a minimum, from the negotiation process.

This widespread use of tobacco is eating away at our society's physical and financial health. We cannot bear, I think, to wait another day before we continue these efforts to point out the dangers of this real epidemic to our public health.

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I have been pleased to join my colleague, and at this point would yield back to him for further comments.

Mr. UDALL of New Mexico. I very much want to thank the gentleman from Colorado for those comments. I know that he and I and many others here in the House of Representatives are going to be monitoring this very closely and trying to make sure that Attorney General Ashcroft does what is in the public interest if he stays on the case. I think we both feel he should not be on the case.

Let me also talk a little bit about the gentleman's comments about women. The women in America have